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RECEIVED

MAR 10 2005

MEDIA BUREAU

March 8, 2005 RECEIVED

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VIA COURIER

Federal Communications Commission
Office of Secretary

Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002

Re: Time Warner Cable Information Services (Texas), L.P.
Section 63.71 Application

Dear Ms. Dortch:

Please find enclosed for filing an original and five copies of the above-captioned application on behalf of Time Warner Cable Information Services (Texas), L.P.

Please date-stamp the extra copy of this application and return it with the courier. Any questions regarding the enclosed application should be addressed to the undersigned.

Respectfully submitted,



Aaron Futch
Attorney for Time Warner Cable
Information Services (Texas), L.P.

Enclosures

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED

MAR - 8 2005

Federal Communications Commission
Office of Secretary

In the Matter of

Time Warner Cable Information
Services (Texas), L.P.
d/b/a Time Warner Cable

File No. _____

Application for Authority to Discontinue
Certain U.S. Domestic Telecommunications
Services

SECTION 63.71 APPLICATION

Time Warner Cable Information Services (Texas), L.P. ("TWCIS") hereby requests authority pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and Section 63.71 of the rules of the Federal Communications Commission ("Commission"), 47 C.F.R. § 63.71, to discontinue the provision of circuit-switched U.S. domestic telecommunications services to a small number of customers in Leander, Texas.¹

Argument

TWCIS currently provides circuit-switched local exchange and toll services to 63 residential customers in the Crystal Falls development in Leander, Texas. It provides this service via circuit-switched facilities that TWCIS acquired in 2004 from Central Texas Technologies, L.P. ("CTT").² As TWCIS previously informed the Commission, however,

¹ The instant application applies only to circuit-switched services offered by TWCIS. Nothing herein should be construed to imply that other services provided by TWCIS or Time Warner Cable Inc. constitute "telecommunications services."

² See *International Authorizations Granted*, Public Notice, DA 04-3609 (rel. Nov. 18, 2004); *Notice of Streamlined Domestic 214 Application Granted*, Public Notice, DA 04-3786, WC Docket 04-397 (rel. Nov. 30, 2004).

its long-term plan is to migrate circuit-switched customers to its new Voice over Internet Protocol ("VoIP")-based "Digital Phone" service.³ TWCIS therefore now requests authority to discontinue its circuit-switched telephone service to the limited group of customers located in the Crystal Falls development in Leander, Texas.

Neither the present nor future public convenience and necessity will be adversely affected by this proposed termination of service. Customers have been provided adequate notice. Moreover, customers have access to comparable domestic telecommunications services offered at competitive prices. In particular, TWCIS is already offering its Digital Phone service to the affected customers. In addition, residents of the Crystal Falls development have the option of subscribing to the service of another circuit-switched local exchange carrier: SBC.

In response to a comment opposing TWCIS's application, TWCIS previously stated that it did not "at this time intend to discontinue the existing service offered to CTT customers until its Digital Phone service offers features that are substantially similar to CTT's existing offering"⁴ This statement, however, was made in response to the concerns of a resident in another CTT-served community in Kyle, Texas, who claimed that CTT's customers would be forced to adopt TWCIS's Digital Phone service because "[t]here is no [ILEC] for this community."⁵ In response, TWCIS assured the Commission that "[n]o

³ Reply Comments of Time Warner Cable, WC Docket 04-397, at 2 (filed Nov. 23, 2004) (informing the Commission of TWCIS's "plans to discontinue the existing CTT service at some future time").

⁴ *Id.* at 1.

⁵ Complaint of Kevin Foley, WC Docket 04-397 (filed Nov. 4, 2004).

existing CTT customer will be required to switch to Digital Phone service.”⁶ And that statement remains true: the customers affected by this application have the option of obtaining alternative phone service from SBC, as well as from TWCIS through its provision of Digital Phone service, and none of CTT’s former customers in Kyle will be affected by the discontinuance in Crystal Falls. Indeed, as represented previously to the Commission, TWCIS continues to maintain the service previously provided by CTT in Kyle, Texas.

Specific Information Required by Section 63.71

Pursuant to Section 63.71 of the Commission’s rules, TWCIS provides the following information in support of this application:

I. SECTION 63.71(a)(1)-(4) INFORMATION

- 1) Name and address of carrier:

Time Warner Cable Information Services (Texas), L.P.
290 Harbor Drive
Stamford, CT 06902
- 2) Date of Planned Service Discontinuance:

April 18, 2005.
- 3) Geographic Areas Affected:

Crystal Falls development in Leander, Texas.
- 4) Brief description of type of service affected:

Circuit-switched local and toll service.

II. NOTIFICATION REQUIREMENTS

TWCIS notified all affected customers of this proposed discontinuance by letter on February 16, 2005, a copy of which is included with this application. The notification

⁶ Reply Comments of Time Warner Cable at 1.

informed customers of the discontinuance of the circuit-switched service and informed them of their options, including TWCIS's new, VoIP-based offering and offerings from other local service providers in the area. A follow-up notice will be sent to customers indicating the final date for termination of this service. All notifications included the content required by Section 63.71(a).

TWCIS certifies that concurrent with the filing of this application, it is submitting a copy of this application to the Governor of the State of Texas, the Public Utility Commission of Texas, and also to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a).

III. REGULATORY STATUS

In connection with the services here at issue, TWCIS is regulated as a non-dominant carrier.

Conclusion

For the reasons discussed above, the Commission should approve TWCIS's Section 63.71 application.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "H. Brands", written over a horizontal line.

HENK BRANDS
AARON FUTCH
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1615 L Street, N.W.
Washington, D.C. 20036
(202) 223-7300

March 8, 2005

*Counsel for Time Warner Cable Information
Services (Texas), L.P.*

CERTIFICATE OF SERVICE

I hereby certify that, on this 8th day of March 2005, I caused copies of the foregoing Section 63.71 application to be served upon the parties listed below by hand-delivery (designated by an asterisk) or by first-class mail, postage prepaid.

Marlene H. Dortch *
Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002
(original + 5 copies)

The Honorable Rick Perry
Governor of the State of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428
(1 copy)

Clerk
Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, Texas 78711-3326
(1 copy)

Secretary of Defense
Attn: Special Assistant for Telecommunications
The Pentagon
Washington, D.C. 20301
(1 copy)



Aaron Futch



IMPORTANT INFORMATION ABOUT
YOUR TELEPHONE SERVICE.
PLEASE READ IMMEDIATELY!

Para traduccion en espanol, favor de llamar
1-800-418-8848

DISCONTINUANCE OF TRADITIONAL TELEPHONE SERVICE

Dear Customer:

Thank you for being a valued Time Warner Cable customer. This letter is to inform you that Time Warner Cable is embarking upon a change to its service offerings and plans to stop offering in the Crystal Falls neighborhood the specific local telephone service to which you currently subscribe. This means that your current local Time Warner Cable telephone service will be discontinued on or immediately after April 18, 2005.

You continue to have a choice for local telephone service, and you are free to choose your new provider of service. Time Warner Cable offers its new Digital Phone service in the Crystal Falls neighborhood, which provides unlimited local and long distance calling for a simple all-inclusive price. If you sign up by March 31, 2005, you can get Digital Phone for \$19.95 for 6 months. You may transfer your current service to the Digital Phone service today by calling Time Warner Cable at 512-485-6004. In addition, you have the option of purchasing local telephone service from other providers serving the Crystal Falls area. Regardless of your choice, we urge you to act quickly to transfer your service to Digital Phone or to select a new service provider in order to retain your current telephone number.

This proposed discontinuance of your local telephone service is subject to regulatory approvals by the FCC and the Public Utility Commission of Texas. The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Time Warner Cable Information Services (Texas), L.P. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

CONVERTING YOUR LOCAL AND LONG DISTANCE TELEPHONE SERVICE

If you wish to select the Time Warner Cable Digital Phone product, you can call our customer service representatives at (512) 485-6004. Please follow these simple steps to convert your local telephone service to another provider:

1. Select a local provider from you local telephone book's yellow pages.
2. Select the long distance provider of your choice.
3. Call your new service provider to:
 - Request local telephone service
 - Choose a new long distance service provider
- Complete a Letter of Agency (needed to transfer your service)
- Get the installation date when your new service will be active
4. Call Time Warner Cable at (512) 485-6004 to complete your service conversion. Our Customer Service professionals will help you:
 - Complete a Disconnect Order
 - Review your final Company A local telephone service bill

TAKE ACTION NOW

Please take immediate action to convert your local and long distance telephone service to a provider of your choice. **If you do not transfer your service to Time Warner Cable's Digital Phone or to a new service provider by April 18, 2005, your existing phone service will be subject to termination and you may risk losing your current telephone number.** Please take action now to avoid interruption in your service.

If you have questions about this process, please call Time Warner Cable Customer Service at (800) 418-8848.

Sincerely,

Customer Service Contact